

Travel Management Plan Appeals

Fact Sheet—Dominguez-Escalante National Conservation Area, Colorado

What is an appeal?

An appeal is the filing of a request for the Interior Board of Land Appeals (IBLA) to reverse an implementation decision. Implementation decisions generally constitute BLM's final approval allowing on-the-ground actions to proceed. Where implementation decisions are made as part of the land use planning process, it is still subject to the appeals process or other administrative review as prescribed by the specific resource program regulations after the BLM makes a decision to adopt the Resource Management Plan (RMP).

The decisions in the Travel Management Plan are implementation decisions associated with specific locations that allow on-the-ground actions to proceed. For example, the designation of a specific travel route is an implementation level decision. Other implementation level decisions include installation of facilities at specific locations or authorizing permits for specific types of uses (e.g. special recreation permits, livestock grazing permits, rights-of-way, etc.).

Who can appeal?

Any party adversely affected by an implementation decision may appeal within 30 days of issuance of the Record of Decision (ROD). Ref: 43 CFR Part 4 Subpart E, or in accordance with the program specific regulations.

When can I appeal?

The public has 30 days from the date the BLM publishes the Notice of Availability in the *Federal Register*. This date cannot be extended.

What can be appealed?

Decisions associated with specific locations that allow on-the-ground actions to proceed.

How do I file an appeal?

Individuals that want to submit an appeal to the IBLA must file a notice with the BLM Colorado State Office (not the IBLA) indicating they wish to appeal an implementation decision in the Dominguez-Escalante National Conservation Area Record of Decision (ROD). Appeal notices must be submitted within 30 days of issuance of the ROD that is being appealed.

All appeals must be in writing and mailed to both the following addresses:

Notice of Appeal:

Bureau of Land Management, Colorado State office
Division of Energy, Lands, and Minerals (CO-920)
2850 Youngfield Street
Lakewood, CO 80215

Copy to Solicitor:

U.S. Department of the Interior,
Regional Solicitor, Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, CO 80215

When do I file my Statement of Reason?

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203, and filed with the Regional Solicitor at the address provided below. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

Regional Solicitor
Rocky Mountain Region
755 Parfet Street, Suite 151
Lakewood, CO 80215

What is a Request for Stay?

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21).

How do I file a Request for Stay?

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your *Notice of Appeal* (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and Petition for a Stay must also be submitted to each party named in this decision and to the IBLA and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

What are the Standards for Obtaining a Stay?

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.